

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: StaceyAnn McFarlane-Ross	Team: Squad #15	CCRB Case #: 201609829	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/18/2016 11:18 PM	Location of Incident: Staten Island Ferry Terminal bus ramp C	Precinct: 120	18 Mo. SOL 5/18/2018	EO SOL 5/18/2018	
Date/Time CV Reported Mon, 11/28/2016 2:26 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 11/28/2016 2:26 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Mariusz Nowak	26591	933103	PBSI

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Franklin Ragusa	14471	937322	PBSI

Officer(s)	Allegation	Investigator Recommendation
A.POM Mariusz Nowak	Abuse: Police Officer Mariusz Nowak threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On November 28, 2016, § 87(2)(b) filed this complaint via the CCRB online website.

On November 18, 2016, at approximately 11:18 p.m., § 87(2)(b) and another female who the investigation identified as § 87(2)(b) were involved in a violent altercation at the Staten Island Ferry Terminal bus Ramp C. At some point, PO Mariusz Nowak, PO Franklin Ragusa of the Patrol Borough Staten Island and other unidentified officers responded to the scene after being notified that there was a dispute. PO Nowak and PO Ragusa interacted with § 87(2)(b) and § 87(2)(b). Due to contradicting accounts of the incident, the Ferry Terminal cameras were viewed by an unknown officer to get an account for the incident. During that time, § 87(2)(b) requested that § 87(2)(b) be arrested for assault and PO Nowak allegedly threatened to arrest her (**Allegation A**). After the viewing of the cameras, it revealed § 87(2)(b) assaulted § 87(2)(b) and she was later arrested.

Mediation, Civil and Criminal Histories

- § 87(2)(b)
- On January 25, 2017, a Notice of Claim inquiry was sent to the Office of the New York City Comptroller and will be added to the case file upon receipt (BR 08).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (BR 07).
- This is the first CCRB complaint filed against PO Nowak. PO Nowak has been a member of service for 13 years.

Findings and Recommendations

Allegation A –Abuse of Authority: Police Officer Mariusz Nowak threatened to arrest § 87(2)(b)

According to § 87(2)(b) after she was assaulted by § 87(2)(b) officers responded to the scene. She explained that while PO Nowak and his partner who the investigation identified as, PO Ragusa, waited with her and § 87(2)(b) another set of officers indicated that they had to review the Ferry Terminal cameras as § 87(2)(b) wanted to press criminal charges against § 87(2)(b). After the review of the video footage, § 87(2)(b) informed PO Nowak a second time that she wanted § 87(2)(b) arrested and he threatened to arrest her (BR 03).

During § 87(2)(b)'s unverified telephone statement, she explained that officers responded to the Staten Island Ferry Terminal after she got into a fight with § 87(2)(b). As officers waited with both she and § 87(2)(b) they explained to the officers what happened and the officers explained to them that they had to leave on separate buses as they were not allowed to stay in the same area.

As the officers were about to let § 87(2)(b) and § 87(2)(b) go, another officer approached them and informed them that § 87(2)(b) had to be arrested. The officer then proceeded to handcuff her and explained to § 87(2)(b) that the video footage showed she continually hit § 87(2)(b) and that was why she was being arrested. § 87(2)(b) did not hear any officer speak about arresting anyone during the time she and § 87(2)(b) waited and explained to the officers what happened (BR 08).

PO Nowak explained upon receiving the information of a dispute at one of the ramps at the Staten Island Ferry Terminal, he, PO Ragusa and other unidentified officers responded to the scene. Both § 87(2)(b) and § 87(2)(b) each provided their accounts of the incident and one of the other officers informed everyone that he would review the video footage. PO Nowak and PO Ragusa stayed with § 87(2)(b) and § 87(2)(b). § 87(2)(b) appeared to be intoxicated and PO Nowak asked if she was. § 87(2)(b) indicated that she was not intoxicated and informed PO Nowak that she wanted § 87(2)(b) arrested. PO Nowak responded by explaining to § 87(2)(b) that based on what is seen on the footage, either § 87(2)(b) or § 87(2)(b) both of them or none of them could be arrested. § 87(2)(b) thought PO Nowak said she would be arrested and PO Nowak informed her he did not say that she would be arrested. PO Nowak explained that § 87(2)(b) would have been arrested if the footage revealed that she attempted to steal from § 87(2)(b). According to PO Nowak there was nothing § 87(2)(b) could have been arrested for (BR 04).

During PO Ragusa's interview, he explained that once he, PO Nowak and other unidentified officers responded to the scene, both women provided conflicting stories as to what happened. Another officer went and observed the footage while he and PO Nowak stayed with § 87(2)(b) and § 87(2)(b). After § 87(2)(b) indicated she wanted § 87(2)(b) arrested, PO Ragusa explained to the investigator that both he and PO Nowak explained to § 87(2)(b) that once the footage were reviewed it would be determined whether an arrest would be made. § 87(2)(b) became aggravated and annoyed. PO Ragusa explained that § 87(2)(b) appeared to be drunk. PO Ragusa explained that there was nothing § 87(2)(b) could have been arrested for as she was the victim (BR 05).

§ 87(2)(g)

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Squad: 15

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____

Title/Signature

Print

Date